

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

BLUNDELL et al.

Serial No. 09/820,745

Filed: March 30, 2001

For: CRYSTAL STRUCTURE



Attention: Application Branch

Atty. Dkt. 620-139

Date: June 15, 2001

Sector

Assistant Commissioner for Patents
Washington, D.C. 20231The attached completes filing of the above-identified patent application:

Signed Rule 63 Declaration alone, Copy of Declaration from prior application alone, OR
 Signed Declaration plus attached copy of originally filed specification/drawings.

 NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED form.

Record the attached assignment and return to the undersigned.
 Attached is a Power of Attorney.

Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
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respectively.

Certified copy(ies) of foreign application(s) is/are attached.
 Certified copy(ies) filed on _____ in prior application no. _____, filed _____.
 Applicant claims "small entity" status. "Small entity" statement attached.
 Please enter the attached and/or below preliminary amendment prior to calculation of filing fee.
 Also attached: **Information Disclosure Statement**; **Nucleotide and/or Amino Acid Sequence Submission**; **Other**:

Fees due are calculated below:**Basic filing fee**

<input type="checkbox"/> Total Effective claims	13	- 20 =	0	x \$ 18.00	\$ 0.00
<input type="checkbox"/> Independent claims	8	- 3 =	5	x \$ 80.00	\$ 0.00

If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months; \$1390.00/4 months) \$ 0.00

Surcharge (\$130.00) if Declaration or filing fee first now submitted \$ 130.00

FIRST SUBTOTAL \$ 130.00

If "small entity," enter half (½) of subtotal and subtract

SECOND SUBTOTAL \$ 130.00

Assignment Recording Fee (\$40.00)

TOTAL FEE DUE \$ 170.00

Check enclosed (Pre-Bill)* \$

Check enclosed (non Pre-Bill)* \$ 170.00

TOTAL FEE ENCLOSED \$ 170.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our

Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
 Arlington, Virginia 22201-4714
 Telephone: (703) 816-4000
 Facsimile: (703) 816-4100
 BJS:eaw

NIXON & VANDERHYE P.C.

By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

06/18/2001 ETULU1 00000011 09820745

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*For N&V internal accounting purposes.

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In re Patent Application of

BLUNDELL et al.

Serial No. 09/820,745

Filed: March 30, 2001

For: CRYSTAL STRUCTURE



Atty. Ref.: 620-139

Group:

Examiner:

* * * * *

June 15, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on

the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required. In the event, a first Office Action has been mailed prior to filing of the present Information Disclosure Statement, the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.
2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our Check No. in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).
3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice

of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
4. Relevance of the non-English language document(s) is discussed in the present specification.
5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
6. A concise explanation of the relevance of the non-English language document(s) appears below:
7. The Examiner's attention is directed to co-pending U.S. Patent Application No. , filed , (copy attached) which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

8. Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 620-139.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

B. J. Sadoff

Reg. No. 36,663

BJS:eaw
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

INFORMATION DISCLOSURE CITATION		ATTY. DOCKET NO.	SERIAL NO.	
		620-139	09/820,745	
		APPLICANT		
(Use several sheets if necessary)		BLUNDELL et al.		
		FILING DATE	GROUP	
		March 30, 2001		
U.S. PATENT DOCUMENTS				
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS				
DOCUMENT		DATE	COUNTRY	CLASS SUBCLASS TRANSLATION YES NO
OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)				
Powers et al, (1976), Ketopantoate Hydroxymethyltransferase (II) [Physical, Catalytic, and Regulatory Properties]; <i>J. Biol. Chem.</i> 251, 3786-3793.				
Jones et al (1993), Cloning and sequencing of the <i>Escherichia coli panB</i> gene, which encodes ketopantoate hydroxymethyltransferase, and overexpression of the enzyme; <i>Journal of Bacteriology</i> 175, 2125-2130.				
Kurtov et al (1999); The <i>Aspergillus nidulans panB</i> gene encodes ketopantoate hydroxymethyltransferase, required for biosynthesis of pantothenate and Coenzyme A. <i>Mol. Gen. Genet.</i> 262, 115-120.				
Aberhart et al (1984), Steric course of N5, N10-methylenetetrahydrofolate formation from glycine by the glycine cleavage system in <i>Escherichia coli</i> . <i>Journal of the American Chemical Society</i> 106, 4907-4910.				
Cronan, Jr. et al (1982), Genetic and biochemical analyses of pantothenate biosynthesis in <i>Escherichia coli</i> and <i>Salmonella typhimurium</i> . <i>J. Bacteriol.</i> 149, 916-922.				
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Teller et al (1976), Ketopantoate hydroxymethyltransferase. I. Purification and role in pantothenate biosynthesis. <i>J. Biol. Chem.</i> 251, 3780-3785.				
Brändén (1980), Relation between structure and function of alpha-beta-proteins, <i>Quarterly Rev. of Biophys.</i> 13, 317-338.				
Greer et al, <i>J. of Medicinal Chemistry</i> , Vo. 37, (1994), 1035-1054.				
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Bohacek et al, <i>Medicinal Research Reviews</i> , 16, (1996), 3-50.				
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Verlinde et al, <i>J. of Computer-Aided Molecular Design</i> , 6, (1992), 131-147.				
Shuker et al, <i>Science</i> , 274, (1996), 1531-1534.				
Stout et al, <i>Structure</i> , 6, (1998), 839-848.				
*Examiner			Date Considered	

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Serial No.: 09/820745
Applicant: Blundell et al
Title: Beryllium Structure

Atty: BJS
Date: 6/15/01
Client: 620-139
Ref:

Amendment
 Pages Specification
 Claims
 Sheets Drawings: Formal _____
 Informal _____
 Declaration (7 Pages)
 Assignment
 Priority Document
 Base Issue Fee Transmittal
 Fee (Check)
170 ⁰⁰

Other: IDS, PTO1449, references

